

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEFFREY A. SMOLINSKI,

Defendant.

8:07CR441

ORDER

This matter is before the court on defendant's motion to modify his special conditions of release. Filing No. [57](#). The court has carefully reviewed the motion and will deny the same. The court entered a judgment in this case, Filing No. [42](#), for 60 months of imprisonment and five years of supervised release with special conditions. It is premature for the court to modify the conditions of supervision until such time as the defendant is released from custody to supervision and is able to attend a contested hearing on this matter. The court notes that the defendant's conditions of supervision no longer conform in part to current Eighth Circuit law or the current standard special terms of supervision imposed for similar offenses.

THEREFORE, IT IS ORDERED that defendant's motion to modify his special conditions of release, Filing No. [57](#), is denied at this time and is subject to reassertion at a later date as set forth herein.

Dated this 7th day of February, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge